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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,086	05/31/2001	Alexandra Debray	12406-008001	6405

7590

07/26/2004

Fish & Richardson
225 Franklin Street
Boston, MA 02110-2804

EXAMINER

COLON, GERMAN

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication

Application No.

09/786,086

Applicant(s)

DEBRAY ET AL.

Examiner

German Colón

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 06 April 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendment raises new issues that would require further consideration and/or search. The proposed amendment cannot be consider as a correction to a mere typographical error, when the correction changes the scope of the claims. Applicant argues that it immediately becomes clear to a person skilled in the art that "Se" has to be replaced by "Sc" because all the other disclosed elements are rare earth elements. This is not persuasive. First, the Examiner could not find in the disclosure where it is stated that the component 'A' of the gamet structure is a rare earth element. Second, assuming that the disclosure evidences said component 'A' being a rare earth element, the Examiner notes that "Sc", while associated with rare earth elements (Lanthanide Series or Actinide Series), is a transition metal. Following Applicant's position, "Se" may refer to "Fe", "Re" or "Sg".



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